

FILE NO.: Z-8951

NAME: Vick Short-form PD-R

LOCATION: Located at 1510 South Schiller Street

DEVELOPER:

Michael Vick
1510 South Schiller Street
Little Rock, AR 72202

SURVEYOR:

Brooks Surveying
20820 Arch Street Pike
Hensley, AR 72085

AREA: 0.14 acres NUMBER OF LOTS: 1 FT. NEW STREET: 0 LF

CURRENT ZONING: R-3, Single-family

ALLOWED USES: Single-family residential

PROPOSED ZONING: PD-R

PROPOSED USE: Single-family, rear yard setback - Central High DOD

VARIANCE/WAIVERS: None requested.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is proposing to rezone the site from R-3, Single-family to PD-R to allow an attached garage to be located within the rear yard setback. The applicant has constructed the attached garage to the existing home located at 1510 South Schiller Street without the proper setback as typically required per the zoning district. For R-3, Single-family zoned property the zoning ordinance typically requires a structure to be located no nearer than 25-feet from the rear property line. The applicant has constructed the garage with a 6-foot rear yard setback.

The property is located within the Central High Design Overlay District. The Central High Design Overlay District has specific development criteria related to setbacks, design, orientation, etc. The ordinance states property, if for any reason, that cannot be developed without violating the standards of the DOD shall be reviewed through the planned zoning district section of the zoning ordinance, with the intent to devise a workable development plan which is consistent with the purpose and intent of the overly ordinance. Based on the rear yard setback the applicant must seek the rezoning to allow the encroachment as currently exists.

B. EXISTING CONDITIONS:

The property is located one block east of the Historic Central High School. Along South Park Street are properties owned by the National Park Service which include the Central High Museum, a gas station which was converted to the information center for Central High, three (3) properties zoned POD (which has expired) that were approved as a cultural resources center, gallery and meeting space for the community, a church and single-family homes. Along South Schiller Street the use is primarily single-family residential.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. All property owners located within 200-feet of the site along with the Central High Neighborhood Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

No comment.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project.

Entergy: Entergy has no objection to this plan. A single phase line to provide service exists in the alley behind the residence. Contact Entergy to work out details for service.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water: No objection.

Fire Department: Maintain access. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: Proposed site is ¼ mile from Route #3 and from Route #16.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: No comment.

Planning Division: This request is located in the Central City Planning District. The Land Use Plan shows Residential Low Density (RL) for this property. Residential Low Density allows for single family homes at densities not to exceed six (6) dwelling units per acre. Such residential development is typically characterized by conventional single family homes, but may also include patio or garden homes and cluster homes, provided that the density remain less than six (6) units per acre. The applicant has applied for a rezoning from R-3 (Single Family District) to PDR (Planned District Residential) to address set-back issues on the site. The application is within the Central High Design Overlay District.

Master Street Plan: Schiller Street is shown as a Local Street on the Master Street Plan. The primary function of a Local Street is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". A Collector design standard is used for Commercial Streets. This street may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: There are no bike routes shown in the immediate vicinity.

Landscape: No comment.

G. SUBDIVISION COMMITTEE COMMENT: (June 4, 2014)

The applicant was not present. Staff presented the item stating there were no outstanding technical issues associated with the request. There was no further discussion of the item. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

There were no outstanding technical issues associated with the request in need of addressing raised at the June 4, 2014, Subdivision Committee meeting. The request is to rezone the site from R-3, Single-family to PD-R to allow an attached garage to be located within the rear yard setback. The applicant has renovated an existing single-family home located at this address and with the renovations has constructed an attached garage to the existing home. The garage has been

constructed in the rear yard area of the home without the proper setback as typically required per the zoning district.

The applicant has been working with the adjacent church located on South Park Street to buy additional land area to eliminate the rear yard setback encroachment. To date the purchase of the additional property has been unsuccessful. Based on the unsuccessful purchase of the additional land the applicant is requesting the rezoning to allow the rear yard encroachment.

The property is located within the Central High Design Overlay District. The Central High Design Overlay District has specific development criteria related to setbacks, design, orientation, etc. All new construction or additions or modifications to existing structures on single-family or two-family zoned land is to be designed to be compatible with the historic nature of the neighborhood. The Overlay defines the specific roof pitch required, allowable construction materials, the orientation of the building along with the entrances location, allowable parking areas, placement of accessory buildings, requirement for the placement of front porches and the placement and location of mechanical equipment. The remodeling has complied with these typical standards of the Central High Design Overlay. The remodeling is not in compliance with the provision of setbacks. The Overlay states the front yard setback for all residentially zoned property is to be 15-feet. All other setbacks must be as prescribed by the property's zoning district. The ordinance also states attached garages must have garage door openings that face side streets, interior lot lines or alleys. The remodeling complies with this aspect of the Overlay. The rear yard setback within the R-3, Single-family Zoning District typically requires a structure to be located no nearer than 25-feet from the rear property line. The applicant has constructed the garage with a 6-foot rear yard setback. Access to the garage is along a common access easement with the property owner to the north.

The Central High DOD states property, if for any reason, that cannot be developed without violating the standards of the DOD shall be reviewed through the planned zoning district section of the zoning ordinance, with the intent to devise a workable development plan which is consistent with the purpose and intent of the overly ordinance. Based on the rear yard setback the applicant must seek the rezoning to allow the encroachment as currently exists.

Staff is supportive of the request. Although the encroachment into the rear yard area is a substantial encroachment the garage is located adjacent to property owned by the Blaylock Temple CME Church to the west. The church property is currently vacant and abuts the church's existing paved parking lot. The property to the south has an existing accessory building within the rear yard area. The property to the north as an attached garage in the rear yard but does comply with the setback requirements of the zoning district. Staff does not feel the encroachment will adversely impact the adjacent properties. To staff's knowledge there are no remaining outstanding technical issues associated with the request. Staff feels the rezoning to allow the encroachment into the rear yard area of this single-family home is appropriate.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

PLANNING COMMISSION ACTION:

(JUNE 26, 2014)

The applicant was present. There was one registered objector present. Staff presented the item with a recommendation of approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Chairman Fountain explained to Mr. Vick the Commission's practice was to allow the applicant the option of deferral to a later agenda when there were eight (8) or fewer Commissioners present. Mr. Vick stated he wished to move forward with the item.

City Director Erma Hendrix addressed the Commission in support of the request. She stated she was in strong support of the project. She stated this was a young black man giving back to the community and providing a positive image to the neighborhood.

Mr. Quincy D. Edwards addressed the Commission in support of the request. He stated his home was adjacent to the home Mr. Vick was rehabilitating. He stated before Mr. Vick purchased the home the home was in disrepair. He stated there were undesirables using the house for illegal activities. He stated he was in full support of the request.

Mr. Michael Vick, Sr. addressed the Commission on behalf of his son. He stated Michael Vick, Jr. had taken a number of boarded homes in the area and rehabbed the homes into livable and viable structures. He stated the quality of work and the product produced was above board. He stated he had taken properties that nothing had been done to in a number of years and given homes the people wanting to live in the neighborhood.

Ms. Vanessa McKuin, Central High Neighborhood Association, addressed the Commission in opposition. She stated the Neighborhood Association President, Ms. Joyce Matthews, was unable to attend and she was standing in for the Association. She stated Mr. Vick had taken a structure that was in disrepair and rehabbed the property. She stated when the initial work was completed the work Mr. Vick performed caused the house to lose its contributing status to the Central High Historic District. She stated although the neighborhood was opposed to Mr. Vicks current request they were not opposed to his willingness to rehab homes in the area and save them from being demolished. She stated the Central High DOD was put in place to protect the neighborhood and to maintain the integrity of the historic character of the neighborhood. She stated Central High was in danger of losing its historic status from the National Register.

Mr. Vick stated he was unaware of the requirements for maintaining the historic character of a residence. He stated he rehabbed homes and he was learning as he went along. He stated he would be asking questions before the next project to make sure all was in compliance before he began construction.

There was a general discussion by the Commission on how the garage was constructed and not caught at the time of building permit. Staff stated Mr. Vick was issued a 90-day rehab permit which allowed him to get the house in the dry. Staff stated while under this permit he constructed the garage without staff knowledge or permit review. Staff stated once it was brought to their attention a stop work order was issued until the rear yard setback encroachment could be rectified.

The Commission questioned staff as to the setback requirements. Staff stated if the garage was a detached garage with a six (6) foot separation from the house the garage could be constructed to within three (3) feet of the rear property line.

There was no further discussion of the item. The chair entertained a motion for approval of the item as presented by staff. The motion carried by a vote of 8 ayes, 0 noes and 3 absent.